

1 The Honorable Samuel J. Steiner
2 Chapter 7 – Involuntary
3 Ex Parte
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8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 In re:

12 MICHAEL R. MASTRO

13 Debtor.

14 No. 09-16841-SJS

15 EX PARTE ORDER FOR RULE 2004
16 INSPECTION OF AVALON
17 PROPERTY

18 THIS MATTER comes before the Court on the Ex Parte Motion by Northern
19 Trust Bank for Rule 2004 Inspection of Avalon Property. Having fully reviewed
20 and considered this motion, the Court hereby

21 ORDERS that:

22 1. Northern Trust Bank, FSB and its consultants shall have, and be
23 provided, access to the debtor's real property at 3295 SW Avalon Way (the
24 "Avalon Property") in Seattle from August 31 through September 2, and thereafter
25 as necessary, to perform and complete inspection(s) of the Avalon Property for
purposes of appraisal, construction status assessment and cost-to-complete

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ORDER FOR RULE 2004
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estimates, and Phase I environmental site assessment.

2. The debtor shall reasonably cooperate with Northern Trust and its
3 consultants in coordinating and providing the access allowed by this Order.

4. Neither Northern Trust nor its consultants may alter the Avalon
5 Property in any way without further order of this Court. Their access under this
6 Order is limited to observing, inspecting and reviewing the property.

7. Northern Trust shall assume all responsibility and liability arising
8 out of the entry and presence of its employees, agents and consultants upon the
9 Avalon Property during any inspection of the property, and it shall hold harmless
10 and indemnify the United States, this Court, the United States Trustee and the
11 Chapter 7 Trustee from any and all claims whatsoever arising out of such entry
12 and presence upon the Avalon Property.

13. This Order is without prejudice to any future motion by Northern
14 Trust or order by the Court concerning boring, sampling or otherwise testing the
15 Avalon Property for environmental site assessment beyond Phase I assessment.

16. DATE: August 28, 2009



17. United States Bankruptcy Judge

18. Presented by:

19. HELSELL FETTERMAN LLP

20. By s/ Scott E. Collins

21. Scott E. Collins, WSBA #18399
22. Attorneys for Northern Trust Bank, FSB

23. HELSELL
24. FETTERMAN

25. ORDER FOR RULE 2004
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